

REMARKS

The present Amendment amends claims 2 and 6, leaves claims 3-5 and 7-12 unchanged and adds new claims 13-23. Therefore, the present application has pending claims 2-23.

The drawings stand objected to due to informalities noted by the Examiner in paragraph 1 of the Office Action. Filed on even date herewith are Proposed Drawing Corrections to correct the informalities noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 2-12 stand rejected under 35 USC §103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,035,105) in view of Chen (U.S. Patent No. 6,392,997). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 2-12 are not taught or suggested by McCloghrie or Chen whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The claims of the present application are directed to a packet communication apparatus, a packet communication method and a packet communication system for transmitting a packet from a first network to a second network, wherein the packet includes an internet protocol (IP) address and a first header used to compose a closed network in the first network. According to the present invention, a packet generating unit is provided which generates a second header used to compose a closed network in the second network based on the IP address and information in the first header and a transmitter which transmits a packet having added thereto the

second header. Thus, by use of the present invention a Virtual Private Network (VPN) can be composed or over a plurality of internet service providers (ISPs). The Examiner's attention is directed to page 9, lines 7-13 and page 23, line 4 through page 24, line 6 of the present application.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by McCloghrie or Chen whether taken individually or in combination with each other as suggested by the Examiner.

The above described features of the present invention are not taught or suggested by McCloghrie. McCloghrie teaches a LAN switch which simply replaces the tag, not a header, of the first Virtual Logical Area Network (VLAN) segment with a tag, not a header, of the second VLAN segment. The Examiner's attention is directed to col. 3, lines 53-61 of McCloghrie. According to McCloghrie, the LAN switch makes a tag of the second VLAN segment based on the tag of the first VLAN tag only. Therefore, McCloghrie does not disclose any feature regarding the generating of a second header or index based on the IP address and information in the first header as clearly recited in the claims.

In the Office Action, the Examiner alleges that McCloghrie teaches a packet generating unit/router which generates a second header used to compose a close network in the second network based on the address and information in the first header. The Examiner alleges that the LAN switch 103 on Fig. 1 and in col. 3, lines 7-14 teach such features. However, such is clearly not the case since the LAN switch as taught by McCloghrie merely makes a tag of a second VLAN segment based on the tag of the first VLAN segment. The tag as taught by McCloghrie is

certainly not a header nor does it contain IP information as recited in the claims.

There is absolutely no teaching or suggestion in McCloghrie about a second header or index being generated based upon the IP address and information in the first header as recited in the claims.

McCloghrie merely discloses in col. 4, line 63 through col. 5, line 4 that to identify the outgoing tag 107 which corresponds to the incoming tag, the LAN switch 103 maintains a database 205 which is preferably also available at the network administrative workstation 203 and that the database 205 as illustrated in Fig. 2 thereof comprises an entry of correspondence between the VLAN management ID (green) tag for the first VLAN segment (10) and a tag for the second VLAN segment (GR). Thus, as per McCloghrie the database 205 does not have any other information therein wherein a packet generating unit generates a second header used to compose a closed network in the second network based on the IP address and information in the first header as in the present invention.

The above described passages of McCloghrie merely determines that a tag, not a header of the first VLAN segment is replaced with a tag of the second VLAN segment based on the database 205. Thus, in McCloghrie the tag of the first VLAN segment is not used in anyway so as to generate second header information based on the IP address and other information in the first header as in the present invention as now more clearly recited in the claims.

Thus, McCloghrie fails to teach or suggest a packet communication apparatus for transmitting a packet from a first network to a second network, wherein the

packet includes an IP address and a first header used to compose a close network in the first header as recited in the claims.

Further, McCloghrie fails to teach or suggest a packet generating unit which generates a second header used to compose a close network in the second network based on the IP address and information in the first header as recited in the claims.

Still further, McCloghrie fails to teach or suggest a transmitter which transmits a packet having added thereto the second header as recited in the claims.

The above described deficiencies of McCloghrie are not supplied by Chen. Therefore, combining the teachings of McCloghrie and Chen fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Both McCloghrie and Chen disclose conventional techniques which serves as a background to the features of the present invention as recited in the claims. The Examiner's attention is directed to page 4, line 23 through page 5, line 4 of the present application. The conventional technique suffers from various disadvantages and such disadvantages are overcome by the features of the present invention as recited in the claims. The present invention overcomes the deficiencies of the conventional technology by avoiding the mixing of packets in a VPN with packets in other networks. The Examiner's attention is directed to page 5, line 17 through page 6, line 3 and on page 12, lines 6-14 of the present application. According to the present invention, the problems associated with the conventional technique as taught by McCloghrie and Chen is overcome by a process of determining the second header based on the first header and other information in the first header. Such features are clearly not taught or suggested by McCloghrie and Chen.

Thus, Chen similar to McCloghrie suffers from the same deficiencies relative to the features of the present invention as McCloghrie.

Therefore, the features of the present invention as now more clearly recited in the claims are not taught or suggested by McCloghrie or Chen whether taken individually or in combination with each other as suggested by the Examiner. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 2-12 is respectfully requested.

As indicated above, the present Amendment adds new claims 13-23. New claims 13-23 recites many of the same features shown above not to be taught or suggested by any of the references of record particularly McCloghrie and Chen. Thus, new claims 13-23 are allowable over the prior art of record same as claims 2-12.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 2-12.

In view of the foregoing amendments and remarks, applicants submit that claims 2-23 are in condition for allowance. Accordingly, early allowance of claims 2-23 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER & MALUR, P.C., Deposit Account No. 50-1417 (501.37526CX1).

Respectfully submitted,

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